

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD FRANK STANLEY,  
Petitioner,  
v.  
RON DAVIS,  
Respondent.

Case No. [16-cv-00048-JSC](#)

**ORDER OF DISMISSAL**

On January 5, 2016, Petitioner, a California prisoner proceeding pro se, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254.<sup>1</sup> On the same day, the Clerk notified Petitioner he had neither paid the filing fee nor completed an application to proceed in forma pauperis (“IFP”). The Clerk mailed Petitioner the Court’s IFP form along with the deficiency notice, as well as a stamped return envelope and instructions for completing the IFP form. The notice informed him that the case would be dismissed if he did not either pay the filing fee or file a completed IFP application within 28 days.

More than 28 days have passed since the deficiency notice was sent to Petitioner, and no response has been received. As Petitioner has not paid the filing fee, filed a complete IFP

//

//

<sup>1</sup> Petitioner has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 1 at 7.)

1 application, or shown cause why not, this case is DISMISSED without prejudice to filing the  
2 petition in a new action in which he either pays the filing fee or submits a complete IFP  
3 application.

4 The Clerk shall enter judgment and close the file.

5 **IT IS SO ORDERED.**

6 Dated: February 23, 2016

7  
8   
9 JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD FRANK STANLEY,

Plaintiff,

v.

RON DAVIS,

Defendant.

Case No. [16-cv-00048-JSC](#)

**CERTIFICATE OF SERVICE**

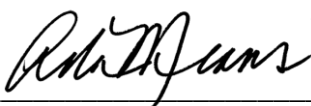
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 23, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gerald Frank Stanley ID: Prisoner Id C-8090  
San Quentin State Prison  
3-E-98  
San Quentin, CA 94974

Dated: February 23, 2016

Susan Y. Soong  
Clerk, United States District Court

By:   
Ada Means, Deputy Clerk to the  
Honorable JACQUELINE SCOTT CORLEY